REMARKS

In the outstanding official action, claims 1-9 were rejected under 35 USC 102(b) as being anticipated by Kishinami et al, for the reasons of record. With regard to independent claim 1, it was suggested that Kishinami discloses an apparatus for processing data on a data carrier which rotates about an axis and on which tracks are provided for containing said data, said data track spiraling around a center, said apparatus comprising an angle measuring device from which said angle information is derived, the angle measuring device being constituted by an eccentricity measurer sensitive to the non-coincidence of said axis and center, as suggested to be disclosed in Figures 1A and 10, and column 2, lines 37-58. Independent method claim 7 was deemed to be drawn to the method of using the corresponding apparatus of claim 1 and was therefore deemed to correspond to apparatus claim 1 and was rejected for the same reasons, while independent claim 9 was deemed to recite limitations similar to those in method claim 7 and was also rejected on the same grounds.

In response, the portions of the cited reference suggested to support this rejection have been reviewed, and it is respectfully submitted that the presently-claimed subject matter is neither shown nor suggested thereby.

More particularly, the cited portion of the text, at column 2, 2, lines 37-58, clearly and expressly teaches that an eccentricity measuring unit is provided for measuring both an eccentricity amplitude of one rotation of the medium and an eccentricity phase for a start position of one rotation. Such a teaching is both substantially different and more complicated than the claimed subject matter of the instant invention as claimed in independent claim 1 (to which the other independent claims are deemed to correspond or be similar to) wherein it is recited that the eccentricity measurer is an angle measuring device, rather than both an amplitude and phase measuring device as in the reference. As also detailed in the cited portion of the reference, eccentricity is clearly determined by the values of two parameters (amplitude and phase) rather than by a single, different parameter, namely angle information, as recited herein.

Additionally, with regard to the citation of Figures 1A and 10 as showing the recited subject matter of claim 1, these figures have been examined but do not appear to show or suggest an angle measuring device being constituted by an eccentricity measurer as herein recited.

In view of the foregoing, it is respectfully submitted that independent claims 1, 7 and 9, and the remaining claims depending therefrom, have been shown to be clearly patentably distinguishable

over the cited and applied reference. Accordingly, allowance of the instant application is respectfully submitted to be justified at the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 

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